



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:ks

Docket No: 07868-98

19 August 1999

From: Chairman, Board for Correction of Naval Records
To: Chief of Naval Personnel

Subj: LCDR [REDACTED], DC, USN [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) Copy of report of proceedings of BCNR less enclosures

1. In accordance with reference (a), the Board for Correction of Naval Records has reviewed allegations of error and injustice in Subject's naval record.
2. The regulations approved by the designated representative of the Secretary of the Navy require that the naval record of Subject be changed, where appropriate, in accordance with the approved action of the Board.
3. The Board has advised Subject of the final decision in this case.
4. It is requested that this Board be furnished a copy of any correspondence relating to the enclosure; and that this letter and a copy of the enclosure be returned to the Board, together with any documentary material directed to be removed.

H. DERAMOUS

By direction

Copies of Board action and transmittal letter to CNP forwarded to Subject on:
18 August 1999

Copy to:
DFAS-DE/FYCC



7868-99

DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 07868-98
11 August 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LCDR [REDACTED] DC, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 25 Oct 98 w/attachments
(2) Pers-911 memo dtd 23 Jun 99 w/enclosures
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show his creditable Naval Reserve participation during the period 1 February 1982 through 30 June 1994. As indicated in enclosure (2), the Navy Personnel Command (NPC) has forwarded information to the Naval Reserve Personnel Center to update Petitioner's drill point record, and they are filing a corrected statement of service in his official naval record. He further requested that his record be corrected to show that the active duty he performed after his commissioning in the Naval Reserve on 22 January 1998 was in the grade of commander, rather than lieutenant commander.

2. The Board, consisting of Messrs. McCulloch and Molzahn and Ms. Davies, reviewed Petitioner's allegations of error and injustice on 5 August 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner was a commander in the Naval Reserve when he was discharged on 30 June 1994. On 22 January 1998, after a break in service, he accepted a new commission in the Naval Reserve in the grade of lieutenant commander. He was ordered to active duty in that grade.

c. Enclosure (2), an advisory opinion from the NPC office with cognizance over the subject matter of this case, concluded that Petitioner's request as it concerns his grade has merit and warrants favorable action. They stated that in 1998, NPC should have processed his request for a commission as involving a broken service reappointment by way of an inactive appointment and subsequent recall to active duty. They recommended that his Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) signed on 22 January 1998 (copy at Tab A) be changed as follows:

(1) "Status Before Appt [appointment]" from "LCDR, USN" (lieutenant commander, United States Navy) to "CDR, USNR" (commander, United States Naval Reserve) in block 2.

(2) "OSC" (Original Source Code) from "150" (direct appointment, other) to "110" (direct appointment as ensign, prospective Medical, Dental, Chaplain, Judge Advocate General's or Medical Service Corps officer) in block 9.

(3) "Perm [permanent] Grade" and "Pres [present] Grade" from "LCDR" to "CDR" in blocks 13 and 15.

(4) "Perm Grade Date" and "Pres Grade Date" from "95NOV11" to "93SEP28" in blocks 14 and 16.

(5) "Type of Duty" from "Active" (eliminate X in block 18) to "Inactive" appointment (put X in block 19).

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show his commissioning in the Naval Reserve on 22 January 1998 was in the grade of commander with a date of rank of 28 September 1993, rather than in the grade of lieutenant commander, and that his Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) signed on 22 January 1998 be modified accordingly as follows:

(1) "Status Before Appt" from "LCDR, USN" to "CDR, USNR" in block 2.

(2) "OSC" from "150" to "110" in block 9.

(3) "Perm Grade" and "Pres Grade" from "LCDR" to "CDR" in blocks 13 and 15.

(4) "Perm Grade Date" and "Pres Grade Date" from "95NOV11" to "93SEP28" in blocks 14 and 16.

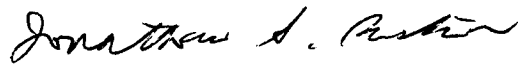
(5) "Type of Duty" from "Active" (eliminate X in block 18) to "Inactive" (put X in block 19).

b. That Petitioner's record be corrected accordingly to show his active duty performed after his commissioning in the Naval Reserve on 22 January 1998 was in the grade of commander, rather than lieutenant commander.


c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


For W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

5420
Pers-911

23 JUN 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS, ICO
LCDR [REDACTED] USNR, [REDACTED]

Encl: (1) BCNR memo 5420 Pers-00ZCB of 13 May 99
(2) Statement of Service ICO [REDACTED]
(3) NAVCRUIT 1000/20 of 1 Feb 82
(4) COMNAVRESREDCOMREG NINETEEN ltr 1420 of 24 Sep 86
(5) NRRC Form 19-1420/1 of 5 Nov 86

1. Enclosure (1) is forwarded with the recommendation that LCDR [REDACTED] petition be approved.

2. LCDR [REDACTED] requested that information pertaining to his creditable reserve drilling time during the period 2/1/82 through 6/30/94 be added to his active duty record. Based on the documents that LCDR [REDACTED] forwarded with enclosure (1), we computed a Statement of Service. Enclosure (2), which accounts for his AT's and drills has been forwarded to Naval Reserve Personnel Center (Code N21) to update his drill point capture. The Statement of Service has also been forwarded to Pers-3 for inclusion in his permanent active duty record.

3. LCDR [REDACTED] also states that omission of reserve documents directly influenced the rank issued when he was re-accessed back onto active duty. Enclosures (3) through (5) were key to resolving this case but were missing from [REDACTED]'s record at Navy Personnel Command. We obtained these documents from PSD Okinawa and have forwarded them to Pers-3 for inclusion in his record.

4. Due to the lack of the above-described information in LCDR [REDACTED]'s permanent record, a series of administrative errors occurred. His request for a commission should have been processed by Pers-911/Pers-861 as a broken service reappointment in 1998 by way of an inactive appointment and subsequent recall to active duty.

5. We recommend the following actions to correct the member's record. The Oath of Office (NAVCRUIT 1000/20) contained in LCDR [REDACTED]'s permanent record, signed 22 January 1998, should be changed to reflect the following:

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
LCDR [REDACTED] USN [REDACTED]

--" Type of Duty" should be changed from active (eliminate X in block 18) to inactive appointment (put X in block 19)
--Original Source Code (OSC) should be changed from 150 to 110 in block 9
--" Status Before Appt" should be changed from LCDR, USN to CDR, USNR in block 2
--The permanent grade and present grade should be changed from LCDR to CDR in blocks 13 and 15
--The permanent grade date and present grade date should be changed from 95NOV11 to 93SEP28 in blocks 14 and 16

6. If BCNR approves [REDACTED] request, Pers-3 would make the changes to the Oath of Office and Pers-911 would update the Active Officer Master File to reflect this corrected information. My point of contact in [REDACTED] Karen White at 4-4491.

[REDACTED]
[REDACTED]
[REDACTED]
Deputy Director, Naval Reserve Personnel
Administration Division



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

7868-98

5420
Pers-00ZCB
13 MAY 99

MEMORANDUM FOR DIRECTOR, RESERVE PERSONNEL MANAGEMENT DEPARTMENT
(PERS-9)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LIEUTENANT COMMANDER [REDACTED] USNR,
[REDACTED]

Ref: (a) 10 U.S.C. Section 1552

Encl: (1) BCNR File 07868-98 w/Service record

1. Subject member petitioned the Board for Correction of Naval Records (BCNR) in accordance with reference (a), to correct errors and or remove injustices in the service record.

2. The Board requests your comments and recommendations in order to reach a fair and equitable decision in this case. You are therefore requested to review enclosure (1); weighing the issues presented therein with applicable navy policies, regulations, and guidelines, formulate an advisory opinion, and return all correspondence to this office.

3. If during your review of enclosure (1) you determine an administrative resolution, within the scope and authority of the Chief of Naval Personnel (CNP) is both available and appropriate, alleviating the necessity for further BCNR intervention, you should prepare a brief but formal commentary advising this office of your action(s).

4. If a formal review by BCNR is required, your comments and recommendations should be prepared in a formal format, addressed to the Executive Director, Board for Correction of Naval Records via Assistant for BCNR Matters, Pers-00ZCB, and returned to me in the [REDACTED]

5. Your response is requested NLT 11 JUN 99. Extensions may be requested on [REDACTED]

[REDACTED]

Assistant for BCNR Matters

7868-98

Name: [REDACTED]
SSN: 55 [REDACTED] Designator: 2205

Date of Report: 06/16/99 09

Statement of Service

Inactive		Active		Training		Subtotals	
						Active	Inactive
USNR-O	09/01/71 06/18/75		School Dates				
	3 yr(s), 5 mo(s), 7 da(s)		Constructive Credit (37 USC 205)				
	11/26/74 06/24/75		DISCHARGE		0 6 29		
USNR-O	06/25/75 09/06/75				0 2 12		
USNR-O	09/07/75 03/10/77		AUGMENT		1 6 4		
USN-O	03/11/77 01/31/82		RESIGN		4 10 20		
USNR-O	02/01/82 05/20/84				2 3 20		
USNR-O			05/21/84 06/01/84		0 0 12		
USNR-O	06/02/84 08/17/85				1 2 16		
USNR-O			08/18/85 08/30/85		0 0 13		
USNR-O	08/31/85 09/06/86				1 0 6		
USNR-O			09/07/86 09/12/86		0 0 6		
USNR-O	09/13/86 03/31/89				2 6 18		
USNR-O			04/01/89 04/02/89		0 0 2		
USNR-O	04/03/89 06/30/94		DISCHARGE		5 2 28		
USNR-O	01/22/98 01/23/98				0 0 2		
USNR-O	01/24/98 DATE				1 4 23		
DATE OF BIRTH: 11/13/49			PEBD: 01/10/75		ADSD: 07/27/91		
ACBD: 07/27/91			PSD: 07/27/91		ELIGIBLE TO RETIRE: 2010		
DGAD: 01/24/98			PREV. MIL. SERV.	BRANCH:	YEAR BEGAN:	MOS.	
AVIATION COMMISSION DATE				HIGHEST GRADE CDR	OVER 4 YEARS A-E		

This statement supersedes all prior statements of service

Examiner: K

Encl (2)